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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,301	11/19/2001	Matti Puputti	4208-4060	9503

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NEW YORK, NY 10281-2101

EXAMINER
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CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/989,301

Applicant(s)

PUPUTTI, MATTI

Examiner

Sumaiya A. Chowdhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/19/06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-8, 10-19, 21-24, 26-35, 37-39 and 41-45, are rejected under 35 U.S.C. 102(e) as being anticipated by Mao (6886178).

As for claims 1, 14, and 15, Mao discloses:

Means/transmitter (10 – Fig. 1) for transmitting, to an end user terminal a service (MPEG-2 data stream) having a control channel (the control channel corresponding to the particular PID of the selected MPEG-2 data stream) over a first transport stream, in accordance with a first configuration parameter (PID) of the service stored by the end user terminal, in which the control channel is identified with the first transport stream – (When a channel is selected by a user, the set-top box consults its pre-existing first control table and retrieves the data stream - col. 3, lines 60-66, col. 5, line 65-col. 6, line 5, col. 8, lines 13-23);

Means/processor (10 – Fig. 1) for generating and transmitting a second configuration parameter (updated PID in subsequent control table sent to the set-top box) to the end user without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel with a second transport stream – (Whenever the control table is updated, it is transmitted to the set-top box, so that the set-top box has the most updated control table in order to retrieve the correct stream. col. 3, lines 65-67. col. 11, lines 1-43); and

Means (10 – Fig. 1) for transmitting the service to the end user terminal over the second transport stream – (When the user selects the service later on, the selected service is transmitted over the second transport stream according to the updated control table. – col. 11, lines 1-43).

As for claims 2, 18 and 34, Mao discloses wherein the network is a digital video broadcasting network – col. 6, line 1, lines 10-14.

As for claims 3, 19 and 35, Mao teaches wherein the network is a computer network – col. 6, lines 26-30, lines 50-60.

As for claims 5, 21, and 37, Mao discloses wherein the second configuration parameter comprises data allowing the end user terminal to access the service (The second configuration parameter is the updated table which includes the new PID value which is required to access the service – col. 11, lines 1-43).

As for claims 6, 22, and 38, Mao discloses wherein the service comprises television programs – (CATV; col. 5, line 65 – col. 6, line 14).

As for claims 7, 23 and 39, Mao discloses wherein the service is an Internet Protocol-based service – (Data s transmitted over the internet - col. 6, lines 26-37, lines 50-55).

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As for claims 8 and 24, Mao discloses wherein said transmitting the second configuration parameter further comprises: generating the second configuration – col. 11, lines 1-43.

As for claim 10, Mao discloses wherein the second configuration parameter includes a program identifier for the service transmitted in the second transport stream (The updated table (second configuration parameter) includes the new PIDs for the program streams – col. 11, lines 1-43).

As for claims 11, 27 and 42, Mao discloses wherein the service comprises a plurality of services from a plurality of service providers (satellite tv, internet, Fig. 1; col. 5, line 65 – col. 6, line 67).

As for claims 12 and 28, Mao discloses wherein the first configuration parameter comprises at least one parameter corresponding to addressing information for the service (The first control table includes the PID which corresponds to addressing information for the service – col. 11, lines 1-43).

As for claims 13 and 29, Mao discloses wherein the second configuration parameter comprises at least one parameter corresponding to addressing for the

service (The updated control table includes the PID which corresponds to addressing information for the service - col. 11, lines 1-43).

Claim 16 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim.

As for claims 17, 30 and 31, Mao discloses a method comprising:

Means/transmitter (10 – Fig. 1) for transmitting a service (MPEG-2 data stream) having a control channel (control map) over a first portion of a transport stream, in accordance with a first configuration parameter (PID) of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream – (The video program and control map is transmitted from the headend to the user terminal. The control map is transmitted in a carousel to the user terminal. The first control map transmitted is transmitted on the first portion, and the subsequent control map transmitted is transmitted on the second portion of the transport stream. All the programs selected after receiving the first control map is transmitted on the first portion until the second control map is received. All programs selected after receiving the second portion, are transmitted on the second portion of the transport stream. When a channel is selected by a user, the set-top box consults its pre-existing control table stored at the set-top and then retrieves the corresponding data stream – col. 3,

lines 60-66, col. 5, line 65-col. 6, lines 5, col. 8, lines 13-23, col. 7, lines 15-25, col. 8, lines 33-45, col. 9, lines 3-10, col. 10, lines 2-7);

Means/processor (10 – Fig. 1) for transmitting a second configuration parameter (transmitting an updated version number signals the settop that a change to the control map has occurred; col. 10, lines 2-7) to the end user using without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel (control map) with a second portion (portion of the stream the subsequent control map is sent on) of the transport stream – (col. 3, lines 60-66, col. 5, line 65-col. 6, lines 5, col. 8, lines 13-23, col. 7, lines 15-25, col. 8, lines 33-45, col. 9, lines 3-10, col. 10, lines 2-7); and

Means (10 – Fig. 1) for transmitting the service to the end user terminal over the second portion of the transport stream – When the user selects the service after receiving the updated control map, the selected service is transmitted over the second portion of the transport stream according to the updated control table. – col. 11, lines 1-43.

As for claim 26, Mao discloses wherein the second configuration parameter includes a program identifier the service transmitted in the second portion of the transport stream (The updated table includes the updated PIDs for the service transmitted in the second portion of the transport stream – col. 10, lines 2-7, col. 11, lines 23-27).



Claim 32 contains the limitations of claims 1 and 17 and is analyzed as previously discussed with respect to those claims.

Claims 33, 43 and 44, contain the limitations of claim 1 and are analyzed as previously discussed with respect to those claims.

As for claim 41, Mao discloses wherein said transmitting the configuration parameter comprises transmitting a program identifier for the service through the transport stream (As discussed in claim 17, the PID is transmitted through the transport stream.).

Claim 45 contains the limitations of claims 1 and 17 and is analyzed as previously discussed with respect to those claims. Claim 45 additionally discloses the following:

generating an appropriate interface using the at least one configuration parameter (When the user selects a program, the system looks up, selects, and then displays the program by referring to the table as discussed in claim 17);

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 20 and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunheroto in view of Kakizaki (6229883).

As for claims 4, 20, and 36, Mao fails to disclose the control channel is an Internet Protocol control channel.

In an analogous art, Kakizaki discloses the control channel is an Internet Protocol control channel – col. 5, lines 53-57.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mao's invention to include the control channel is an Internet Protocol control channel, as taught by Kakizaki, for the advantage of using a protocol which is well-known for communicating data in a packet-switched network.

7. Claims 9, 25, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Park (6724981).

As for claims 9 and 40, Mao fails to disclose selecting the second transport stream based on bandwidth of the first and second transport stream.

In an analogous art, Park teaches selecting either the first or second stream according to the bandwidth in order to conserve bandwidth – (see Abstract, col. 2, lines 36-41, lines 52-56, col. 9, lines 7-10, col. 10, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mao's invention to include the above mentioned limitation, as taught by Park, for the advantage of conserving bandwidth.

As for claim 25, Mao fails to disclose selecting the second portion of the transport stream based on bandwidth of the first and second transport stream.

In an analogous art, Park teaches selecting either the first or second stream according to the bandwidth in order to conserve bandwidth – (see Abstract, col. 2, lines 36-41, lines 52-56, col. 9, lines 7-10, col. 10, lines 46-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Mao's invention to include the above mentioned limitation, as taught by Park, for the advantage of conserving bandwidth.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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